



City of Seattle

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Greg Nickels, Mayor  
**Department of Planning and Development**  
Diane Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2407756  
**Applicant Name:** Meredith Wirsching  
**Address of Proposal:** 4520 4<sup>th</sup> Avenue Northeast

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish parking for 30 vehicles accessory to future retail use (See Project #2307698).

The following approvals are required:

**Administrative Conditional Use** - to allow accessory parking to a nonresidential use (retail) in a Lowrise 1 Residential-Commercial (L-1/RC) zone. (SMC 23.46.006.C)

**SEPA DETERMINATION:**      ☒ Exempt    ☐ DNS    ☐ MDNS    ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction

**BACKGROUND DATA**

Site and Vicinity Description

The subject property is located at 4520 4<sup>th</sup> Avenue Northeast fronting on the east side of 4<sup>th</sup> Avenue Northeast; approximately 194' north of the intersection of 4<sup>th</sup> Avenue Northeast and Northeast 45<sup>th</sup> Street. This 8,000 square foot (sq. ft.) parcel is zoned Lowrise 1 Residential-Commercial (L-1/RC). Development on the subject site consists of an existing paved surface parking lot currently striped to accommodate 30 vehicles. Vehicle ingress/egress from 4<sup>th</sup> Avenue Northeast to the parking spaces is via an existing 24' wide curb cut and an existing 14' platted alley that abuts the subject site's southern and eastern boundary lines. There is existing landscape screening (hedges) along the west property line and a light pole on the east property line.

The property to the north and the area across the alley to the east are zoned Single Family 5000 (SF 5000). The property across the alley to the south is zoned Neighborhood Commercial 3 (NC3-40'). Across the street, the property is zoned L-1/RC. A paved parking lot and an existing hotel (University Plaza Hotel) reside west and south of the site. Existing single family residences are located just north and east of the subject site.

#### Background Information

This surface parking lot has historically been united with University Plaza Hotel site in order to fulfill a portion of their existing uses' total parking requirement of 151 parking spaces. Department of Planning and Development (DPD) permit history shows a conditional use for "off-street parking for 30 parking spaces" involving this parcel (Parcel B – APN #189000-0005) was granted to the hotel in 1965.

#### Proposal Description

The applicant is requesting to continue the legally established use of the parking lot as off-site accessory parking for a retail use instead of the existing hotel use. The 30 parking stalls will serve the subsequent conversion of the existing building (University Plaza Hotel) located in the NC3-40' zone from a hotel to a mixed-use structure containing approximately 84 residential units, 27,507 sq. ft. of retail space and 2801 sq. ft. of storage/mechanical room area. The existing parking configuration and vehicle access would remain. Landscaping in the form of hedges, shrubs and ground cover are proposed along the west, north and east property lines.

#### Public Comment

The public comment period for this project ended November 17, 2004. DPD received two written comments with one of the letters representing four (4) neighbors' opinions regarding this proposal. The neighbors near the subject site expressed objections regarding this proposal and requests that the property "reverts" to its underlying residential zoning." Another neighbor expressed concerns regarding the density of the development and the potential of spillover parking on the neighboring residential streets.

#### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

Section 23.46.006 of the Seattle Municipal Code provides that parking at or below grade accessory to nonresidential uses in adjacent commercial zones may be permitted as a conditional use. Subsection C of Section 23.46.006 provides general conditional use criteria and that an application can be conditioned as deemed necessary to limit the impacts or denied where it cannot be mitigated. The applicable criteria are stated below in italics and followed by analysis.

1. *The Director may authorize such parking if:*
  - a. *The proposed parking is necessary to meet parking requirements, or the proposed parking will be a shared parking facility;*

The proposed parking is necessary to meet parking requirements for the development proposal (see project #2307698) at the site immediately south and across the alley from the subject site. The proposed retail use in the existing structure would require approximately fifty-seven (57)

parking stalls in addition to the required seventy-five (75) parking stalls for the residential use. Per code, required parking for residential uses must be located on the same lot as the residential use to which it is accessory. The total number of parking stalls that can be accommodated on the NC3-40' zoned site is 103.5 parking stalls (a tandem pair counts as 1.5 spaces for meeting code requirements). This proposal would provide 30 parking stalls of the remaining 28 required parking stalls that cannot be accommodated on the neighboring commercial site. Therefore, this criterion is satisfied.

- b. The proposed parking is necessary to avoid increasing parking congestion in the adjacent commercial area;*

The commercial area is adjacent to the off-ramp and on-ramp access to the Interstate-5 freeway. Street parking along Northeast 45<sup>th</sup> Street is not allowed in the immediate vicinity of the site, and a portion of street parking along 4<sup>th</sup> Avenue Northeast is restricted. The usage of this existing parking lot by customers and apartment residents is expected to mitigate possible increased parking congestion along that portion Northeast 45<sup>th</sup> Street that allows street parking and 4<sup>th</sup> Avenue Northeast. Customers for the proposed uses in the existing structure would proceed directly to the parking facility rather than drive around in search for parking. Thus, the proposed parking spaces in the L1/RC zone would meet the above criterion.

- c. The proposed parking is necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas;*

Without providing adequate number of off-street parking for the proposed uses mentioned above, the project would create spillover parking into the direction of the residential areas primarily to the north of the commercial proposal, since there is practically no evidence of commercial parking adequately available along the commercial strip.

- d. Other parking options such as shared parking have been considered and found to be unavailable in the adjacent commercial zone; and*

Due to Interstate 5 (I-5) located directly east of the adjacent commercial proposal, the only available commercial parking within the commercial zone and within reasonable proximity to the site would be primarily west along Northeast 45<sup>th</sup> Street. The applicant compiled a list of fourteen (14) commercially zoned properties mainly along Northeast 45<sup>th</sup> Street within an 800' of the commercial proposal. The majority of these businesses don't seem to have extra parking capacity to provide for thirty (30) parking stalls. The nearest site with available parking is across the street of the commercial proposal addressed as 316 Northeast 45<sup>th</sup> Street. However, this site could only provide twelve parking stalls and is scheduled for redevelopment in the near future. Therefore, the proposed parking lot is a logical choice to continue providing accessory parking for the neighboring commercial site.

- e. The proposed parking does not encourage substantial traffic to pass through adjacent residential areas.*

The proposed parking does not encourage substantial traffic to pass through adjacent residential areas. The parking lot has three means of vehicle ingress/egress: via an existing 14' wide alley along the subject site's south property line; via a 24' wide two-way driveway along the subject site's southerly front property line ; and a 23' wide two-way driveway along the subject site's

easterly rear property line that abuts a 14' wide alley. There is adequate area for vehicles to maneuver and circulate on the parking lot. The access to the site is off of 4<sup>th</sup> Avenue Northeast which intersects with Northeast 45<sup>th</sup> Street about 193' to the south. Northeast 45<sup>th</sup> Street is a principal arterial. Therefore, the closest access to the parking is from a commercial street and would not encourage substantial traffic to pass through the adjacent residential area.

Due to the orientation of the existing driveway along the rear easterly property line, there is a possibility that customers may try to drive thru that portion of the alley that is located within the SF 5000 zoned area. To avoid this, the proposal will be conditioned to add signage that directs the customers to exit to the right if utilizing the rear driveway.

2. *If the Director authorizes a surface parking area, the following standards shall be met:*

- a. *A minimum of 15% of the surface parking area shall be landscaped. Specific landscaped areas required in this subsection shall count toward the 15%.*

The proposed landscaping for this existing off-site parking, zoned L-1/RC, satisfies this criterion.

- b. *A landscaped setback of at least 10 feet shall be provided along the front property line. A landscaped setback of at least 5 feet in depth shall be provided along all other street property lines.*

A 10' landscaped setback is provided along the 4<sup>th</sup> Avenue Northeast front property line.

- c. *When abutting a property in a residential zone (including RC zones), 6-foot high screening and a 5-foot deep landscaped area inside the screening shall be provided.*

A 6' high, 5' deep landscaped area consisting of shrubbery and ground cover will be provided along the north and the south property line.

- d. *When across the street from a residential zone (including RC zones), 3-foot high screening shall be provided between the parking area and the landscaped setback along all street property lines.*

A 3' high landscape screen is provided along the subject site's west property line fronting on 4<sup>th</sup> Avenue Northeast.

- e. *Whenever possible, access to parking shall be from the commercial area.*

Access to the off-site parking is from three locations: An existing 24' wide curb cut along the front property line; an existing 23'-1" wide driveway along the rear property line to a 14' alley; and an existing 14' wide curb cut to a 14' wide alley along the parking lot's side property line. The 14' wide alley serves both the commercial uses and the residential uses in the area. It is not possible to provide access entirely from the commercial area as the west half of the alley, to be used for access, is zoned L-1/RC and the east half of the alley is zoned SF 5000. All the available commercial area is occupied by an existing structure.

**SMC 23.45.116 CONDITIONAL USE GENERAL PROVISIONS**

- C. *A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The existing parking lot proposed to continue as accessory to the commercial use in the NC3-40' zone would not be expected to cause material detriment to the public welfare or the surrounding properties. In fact, by making this parking lot accessory to the proposed use in the existing commercial structure, it would alleviate on-street parking in the vicinity. As conditioned, all the criteria for continuing the subject off-site parking for the new retail commercial use appear to be met.

- D. *In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.*

Mitigation to anticipated impacts such as parking traffic shall be required as noted above and as conditioned below.

**DECISION - ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **APPROVED WITH CONDITIONS** as indicated at the end of this document.

**CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT**

**Prior to Issuance of Any Temporary or Final Certificate of Occupancy and For the Life of the Project**

1. The owner(s) and/or responsible party(s) shall install the screening for the parking and maintain the existing landscaping.
2. The owner(s) and/or responsible party(s) shall install signage at the driveway along the eastern property line that directs the customers to exit to the right.

Signature: (signature on file) Date: December 20, 2004  
Tamara Garrett, Land Use Planner  
Department of Planning and Development  
Land Use Services